

ORIGINAL

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BY ORDER OF THE COURT

CLARE E. CONNORS #7936  
United States Attorney  
District of Hawaii

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 05 2023

at 1 o'clock and 10 min. M  
John A. Mannle, Clerk

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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY HAIOKA,

Defendant.

CR NO.

INDICTMENT

[21 U.S.C. §§ 841(a)(1), 841(b)(1)(A),  
and 846; 18 U.S.C. § 922(a)(1)(A)]

CR 23-00005 LEK

INDICTMENT

The Grand Jury charges:

Count 1

Conspiracy to Distribute and Possess with Intent to Distribute 50 Grams or More  
of Methamphetamine  
(21 U.S.C. § 846)

From a precise earlier date unknown, but by at least June 25, 2022, and continuing to on or about July 14, 2022, within the District of Hawaii and elsewhere, GARY HAIOKA, the defendant, did knowingly and intentionally conspire, confederate and agree with other individuals, known and unknown to the Grand Jury, to distribute and possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

All in violation of Title 21, United States Code, Section 846.

Count 2

Attempted Possession with Intent to Distribute 50 Grams or More of  
Methamphetamine  
(21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846)

On or about July 14, 2022, within the District of Hawaii, GARY HAIOKA, the defendant, did knowingly and intentionally attempt to possess with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846.

Count 3

Unlawful Dealing and Manufacturing of Firearms  
(18 U.S.C. § 922(a)(1)(A))

From a precise earlier date unknown, but continuing to on or about July 14, 2022, within the District of Hawaii, GARY HAIOKA, the defendant, not being a licensed dealer of firearms or manufacturer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms and manufacturing firearms.

All in violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

Count 4

Possession of an Unregistered Firearm  
(26 U.S.C. §§ 5841, 5861(d), and 5871)

On or about July 14, 2022, within the District of Hawaii, GARY HAIOKA, the defendant, did knowingly possess a firearm not registered to him in the National Firearms Registration and Transfer Record, namely, a silencer with no manufacturer's markings or serial number, knowing that the firearm was a device for silencing, muffling, or diminishing the report of a portable firearm.

All in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.



FIRST FORFEITURE NOTICE (Drugs)

1. The allegations set forth in Counts 1 and 2 of this Indictment are hereby re-alleged and incorporated by reference as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 21, United States Code, Section 853.

2. The United States hereby gives notice that, pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846, GARY HAIOKA, the defendant, shall forfeit to the United States of America any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

3. If any of the property described in paragraph 2 above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be

divided without difficulty,  
the United States of America shall be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21, United States Code, Section 853(p).

SECOND FORFEITURE NOTICE (Firearms)

1. The allegations contained in Counts 3 and 4 of this Indictment are incorporated by reference as though set forth in full herein for the purpose of noticing forfeiture pursuant to Title 18, United States Code, Section 922(d)(1), and Title 28, United States Code, Section 2461(c).

2. The United States hereby gives notice that, upon conviction of the offenses in violation of Title 18, United States Code, Section 922(a)(1)(A), or Title 26, United States Code, Section 5861(d), as set forth in this Indictment, GARY HAIOKA, the defendant, shall forfeit to the United States any firearms and ammunition involved in or used in the commission of that offense, including but not limited to:

- a. one privately manufactured Glock-9 handgun loaded with ammunition;
- b. one firearm suppressor;
- c. one Polymer 80 firearm receiver;
- d. approximately 1,156 rounds of assorted ammunition; and

e. miscellaneous ammunition components.

3. If by any act or omission of the defendant, any of the property subject to forfeiture described in paragraph 2 herein:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States of America will be entitled to forfeiture of substitute property up to the value of the property described above in paragraph 2, pursuant to Title 21,

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United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

DATED: January 5, 2023, at Honolulu, Hawaii.

A TRUE BILL

/s/ Foreperson  
FOREPERSON, GRAND JURY

  
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CLARE E. CONNORS  
United States Attorney  
District of Hawaii  
\_\_\_\_\_  
W. KEAUPUNI AKINA  
Assistant U.S. Attorney

United States v. GARY HAIOKA  
Indictment

Cr. No. **CR 23-00005 LEK**